

FILED

MAR 06 2019

CITY CLERK

**SPECIAL ORDINANCE NO. 7, 2017**

AN ORDINANCE VACATING A PORTION OF A PUBLIC ALLEY LOCATED IN THE CITY OF TERRE HAUTE, VIGO COUNTY, INDIANA.

BE IT ORDERED by the Common Council of the City of Terre Haute, Indiana.

**SECTION 1.** Pursuant to the provisions of I.C. 36-7-3-12, it is desired and deemed necessary to vacate a portion of a public alley located in the City of Terre Haute, Vigo County, Indiana, which is now laid out and existing in the City of Terre Haute, Indiana, and described as follows:

Beginning at the North West corner of Lot 104 in Eastlawn, a Subdivision in the West Half of Section 13, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 15, Pages 38 and 39, of the Recorder's Office of Vigo County, Indiana; thence directly South approximately 157 feet, more or less, along the West boundary line of Lots, 104, 103, 102 and 101 to the Southwest corner of Lot 101; thence West approximately 15 feet, more or less, to the South East corner of Lot 108; thence North approximately 157 feet, more or less, along the East boundary line of Lots 108, 107, 106 and 105, to the North East corner of Lot 105; then East approximately 15 feet, more or less to the place of beginning.

Commonly known as a Portion of Vacated Alley West of 850 North Fruitridge Avenue Terre Haute, Indiana 47803.

**SECTION 2.** Be it further ordained that said portion of said alley in the City of Terre Haute, Indiana, above described, be and the same is vacated and will revert to the abutting properties, subject to the continuation of any and all existing easement rights for public utilities.

**SECTION 3.** Be it further ordained that the City Clerk be, and she is hereby directed to furnish a copy of this Ordinance to the Recorder of Vigo County, Indiana, for recording, and to the Auditor of Vigo County, Indiana.

WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, 

Karrum Nasser, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Martha Crossen, President

ATTEST:

\_\_\_\_\_  
Michelle Edwards, City Clerk

Presented by me to the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Michelle Edwards, City Clerk


Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Duke Bennett, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

  
\_\_\_\_\_  
Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, Wright, Shagley & Lowery, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

**PETITION FOR VACATION OF PORTION OF A PUBLIC ALLEY**

TO THE PRESIDENT AND MEMBERS OF THE  
COMMON COUNCIL OF THE CITY OF TERRE  
HAUTE, VIGO COUNTY, INDIANA

LADIES AND GENTLEMEN:

The undersigned, Chad Overton, Member of Lilygrace, LLC, is the owner of land abutting a certain Public Alley platted, which is located in Terre Haute, Indiana and respectfully petition and request the legislative body of the City of Terre Haute, Indiana to vacate that portion of a Public Alley described below pursuant to the various provisions of I.C. 36-7-3-12, and in support of this Petition would show to the Common Council of said City as follows:

1. The undersigned, Chad Overton, Member of Lilygrace, LLC, is the owner of the following described real estate located in Vigo County, State of Indiana:

**PARCEL I**

Lots 101, 102, 103 and 104, in Eastlawn, a Subdivision in the West Half of Section 13, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 15, Pages 38 and 39, of the records in the Recorder's Office of Vigo County, Indiana.

**PARCEL II**

Lots 105, 106, 107, 108, 109, 110, and 111 in Eastlawn, a Subdivision in the West Half of Section 13, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 15, Pages 38 and 39, of the records of the Recorder's Office in Vigo County, Indiana.

2. That a copy of a map that shows the alley which runs along the West side of Owner's property is attached hereto, made a part hereof and is marked as Exhibit A.

3. That the portion of the Public Alley to be vacated as set forth above may be more particularly described as follows, to-wit:

Beginning at the North West corner of Lot 104 in Eastlawn, a Subdivision in the West Half of Section 13, Township 12 North, Range 9 West, as per recorded Plat in Plat Record 15, Pages 38 and 39, of the Recorder's Office of Vigo County, Indiana; thence directly South approximately 157 feet, more or less, along the West boundary line of Lots, 104, 103, 102 and 101 to the Southwest corner of Lot 101; thence West approximately 15 feet, more or less, to the South East corner of Lot 108; thence North approximately 157 feet, more or less, along the East boundary line of Lots 108, 107, 106 and 105, to the North East corner of Lot 105; then East approximately 15 feet, more or less to the place of beginning.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Commonly known as a Portion of Vacated Alley West of 850 North Fruitridge Avenue  
Terre Haute, Indiana 47803.

6. Petitioner believes that no landowner adjoining and abutting the Public Alley to be vacated would be adversely affected by the vacation of said Public Alley, since the real estate is the said Public Alley does not nor will not serve a functional purpose to the public.

7. Petitioner proposes the vacation of the Public Alley in order to allow more efficient and effective use of Petitioner's real estate.

8. The proposed vacation would not hinder the use of a public way by the neighborhood in which said portion of the Public Alley is located or to which they are contiguous since the Petitioners are the owners of the lands abutting said portion of said Public Alley; as set forth above, the proposed vacation of said portion of said Public Alley would not make access to any land by any person by means of a public way difficult or inconvenient; nor would said vacation hinder any member of the public's access to a church, school or other public building or place, nor will it interfere in any way with fire protection or police protection for property located within the City of Terre Haute, Indiana.


9. The names and addresses of all owners of land that abuts that portion of the Public Alley above proposed to be vacated are the Petitioner, Mark Mitchell, Michael Frey, Melissa Frey 800 N. Fruitridge Avenue, Terre Haute, IN 47803, Donna Duguid Byrley 808 N Fruitridge Avenue, Terre Haute IN 47803, Blue Ridge LLC 810 N. Fruitridge Avenue, Terre Haute, IN 47803 and Thomas King 4016 8<sup>th</sup> Avenue Terre Haute IN 47803. That notice of said vacation has been sent by USPS Certified Mail to Mark Mitchell, Michael Frey, Melissa Frey, Donna Duguid Byrley, Blue Ridge LLC and Thomas King at their addresses.

WHEREAS, Petitioner respectfully requests and petitions the Common Council of the City of Terre Haute, Indiana, after hearing on this Petition in accordance with law to:

- a) Adopt an Ordinance vacating that portion of the Public Alley referred to and described above, subject to existing easement rights for public utilities;
- b) Cause the Clerk of the City of Terre Haute to furnish copies of said Vacation Ordinance to the County Recorder of Vigo County for recording and to the county Auditor, and to thereupon cause the Recorder to release said Ordinance to the Vigo County Area Planning Department for distribution in accordance with the City's Zoning Ordinance and Subdivision Code.
- c) For all other proper relief in the premises.

**PETITIONER:**

LILYGRACE LLC

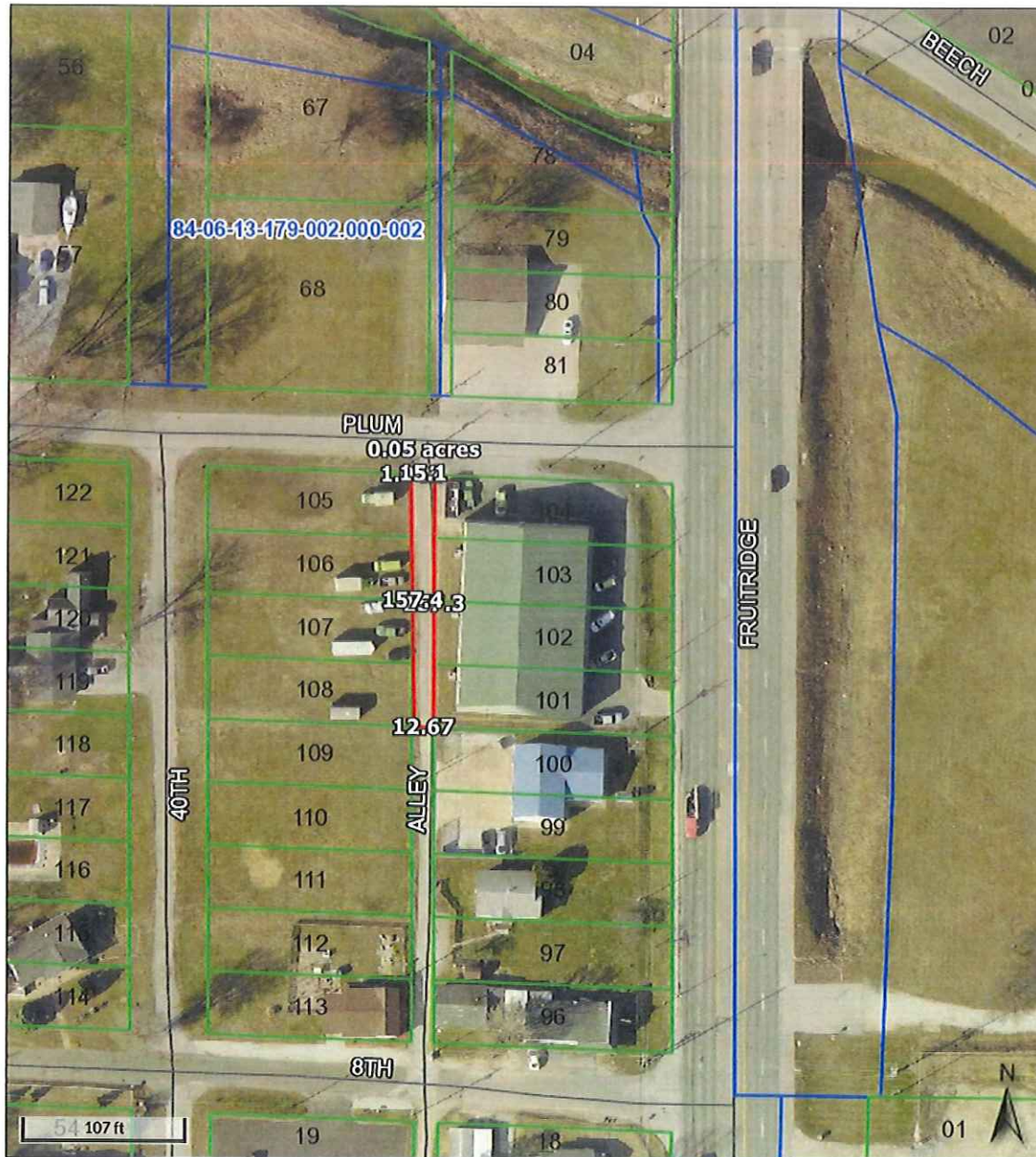
By: 

Chad Overton, Member

*RICHARD SHAGLEY - Attorney for Lilygrace LLC*

Petitioner's Addresses: 850 N. Fruitridge Avenue, Terre Haute, IN 47803.

This instrument prepared by Richard J. Shagley II, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.



**Overview**



**Legend**

- Corporate Limits
- Political Township
- Sections
- Blocks
- Lots
- Parcels
- Road Centerlines

Date created: 3/6/2019  
Last Data Uploaded: 3/5/2019 8:39:37 PM

Developed by  **Schneider**  
GEOSPATIAL